

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
James W McClain

Case No.: 16-23332
Judge: JNP
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

☐ Original **SECOND** ☒ Modified/Notice Required ☒ Discharge Sought
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: June 13, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 350.00 per month to the Chapter 13 Trustee, starting on July 1, 2017 for approximately 41 more months. for a total plan length of 52 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☒ Other information that may be important relating to the payment and length of plan:

11 months lapsed since filing. \$3,220.00 ptd.

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Isabel C. Balboa, Trustee	Admin	10% estimated in plan
Kimberly A. Wilson, Esquire	Admin	\$311.21 (\$2,960.00 less \$2,648.79 ptd) plus \$1,700 supplemental fees to be applied for

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Shellpoint Mortgage Formally Specialized Loan Servicing	Residence	\$0.00 Loan Modification Granted	n/a		\$1,405.37

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan
GTMUA	5 Lancaster Place, Sicklerville-Residence	\$150.04
Terrestria HOA	5 Lancaster Place, Sicklerville-Residence	\$5,393.11
State of New Jersey	Chattel	\$1,288.25

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☒ Not less than 100 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Attorney Fees to Law Office Of Kimberly A. Wilson, LLC
- 3) Priority Claims
- 4) Allowed Secured Claims and 5) Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: September 30, 2016.

Explain below **why** the plan is being modified:

1. To pay secured claim of State of New Jersey
2. Loan Modification with Shellpoint Mortgage granted.

Explain below **how** the plan is being modified:

1. State of New Jersey added to Part 4(e).
2. Arrears removed by Part 4(a).

Amended J

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 06/19/2017

/s/Kimberly A. Wilson
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 06/19/2017

/s/James W. McClain
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 James W. McClain
 Debtor

Case No. 16-23332-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

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 Total Noticed: 21

Date Rcvd: Jun 20, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 22, 2017.

db +James W. McClain, 5 Lancaster Place, Sicklerville, NJ 08081-1121
 aty +Parker McCay, PA, 9000 Midlantic Drive ste 300, PO Box 5054, Mt Laurel, NJ 08054-5054
 lm Specialized Loan Servicing LLC, 8742 Lucent Boulevard, Suite 300,
 Highlands Ranch, CO 801292386
 cr +Specialized Loan Servicing LLC, as servicing agent, C/O Buckley Madole, P.C.,
 99 Wood Avenue South, Suite 803, Iselin, NJ 08830-2713
 cr +THE BANK OF NEW YORK MELLON Et Al., Stern & Eisenberg, 1581 Main Street, Suite 200,
 Suite 200, Warrington, PA 18976-3400
 cr +THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YO, c/o Bank Of America,
 7105 Corporate Drive, Plano, TX 75024-4100
 516283269 +Direct Loans, 12501 Ardennes Ave Ste 200, Rockville, MD 20857-0001
 516298033 +Gloucester Township Municipal Utilities, Wade, Long, Wood & Long, LLC, Leonard J. Wood, Esq,
 1250 Chews Landing Road, Laurel Springs, NJ 08021-2816
 516283271 +Parker McCay, PA, 9000 Midlantic Drive Ste 300, PO Box 5054, Mount Laurel, NJ 08054-5054
 516487607 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Department of the Treasury,
 Division of Taxation, PO Box 245, Trenton, NJ 08695-0245)
 516561338 +Shellpoint Mortgage Servicing, PO Box 10826, Greenville SC 29603-0826, (29603-0826
 516283272 South Jersey Gas, PO Box 6091, Bellmawr, NJ 08099-6091
 516283273 +Specialized Loan Servicing LLC, 8742 Lucent Blvd # 300, Littleton, CO 80129-2386
 516283274 +State of New Jersey, NJ Division of Taxation, Pioneer Credit Recovery, PO Box 1018,
 Moorestown, NJ 08057-0018
 516320722 +Terrestria Association, Norman L. Zlotnick, Esq., Hyberg White & Mann,
 2111 New Road, Suite 105, Northfield, NJ 08225-1512
 516283275 +Terrestria Association Inc, 2 Fox Meadow Dr, Sicklerville, NJ 08081-1140
 516505112 +The Bank of NY Mellon, Trustee (See 410), c/o Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 516567067 US Department of Education, P O Box 16448, Saint Paul MN 55116-0448

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jun 20 2017 22:29:31 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jun 20 2017 22:29:27 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516283270 +E-mail/Text: jcokos@gtmua.com Jun 20 2017 22:29:53 GTMUA, PO Box 216,
 Glendora, NJ 08029-0216

TOTAL: 3

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
 516561339 Shellpoint Mortgage Servicing, PO Box 10826, Greenville SC 29603-0826, (800) 365-7107,
 Shellpoint Mortgage Servicing, PO Box 10826

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 22, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 21

Date Rcvd: Jun 20, 2017

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 19, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES
2006-20 dcarlon@kmlawgroup.com, bkggroup@kmlawgroup.com
Francesca Ann Arcure on behalf of Creditor Specialized Loan Servicing LLC, as servicing agent
for Wilmington Trust, National Association, as Successor Trustee to Citibank, N.A., as Trustee
for Bear Stearns Asset Backed Securities Trust 2007-2, nj_ecf_notices@buckleymadole.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Kimberly A. Wilson on behalf of Debtor James W. McClain wilson.schroedinger@comcast.net
Steven P. Kelly on behalf of Creditor THE BANK OF NEW YORK MELLON Et Al...
skelly@sterneisenberg.com, bkecf@sterneisenberg.com

TOTAL: 6